$_{\text{JS 44}} \text{ (Rev. 12/12) cand rev (1/15/13)} \quad \text{Case 3:16-cv-03240} \quad \text{Document 2 Cive 6/13/16.} \quad \text{Page 1 of 2}$

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

purpose of initiating the civil do	ocket sheet. (SEE INSTRUC	TIONS ON NEXT PAGE O	F THIS FO	RM.)				
(c) Attorneys (Firm Name, Address, and Telephone Number)				DEFENDANTS				
				NOTE: IN LAND	(IN U.S. P CONDEMNATI CT OF LAND IN	of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) DIDDEMNATION CASES, USE THE LOCATION OF OF LAND INVOLVED.		
II. BASIS OF JURISDI	CTION (Place on "X" in O	ne Box Only)	III. CI	<u> </u> TIZENSHIP OF	PRINCIPA	AL PARTIES	Place an "X" in One Box for Plaintifj	
□ 1 U.S. Government	☐ 3 Federal Question (U.S. Government Not a Party)			(For Diversity Cases Only		,	and One Box for Defendant) PTF DEF	
Plaintiff			Citize	en of This State	01 01	Incorporated or Pri of Business In T		
☐ 2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citizenship of Parties in Item III)		Citize	en of Another State	2 2 2	Incorporated and P of Business In A		
				en or Subject of a reign Country	3 3	Foreign Nation	□ 6 □ 6	
IV. NATURE OF SUIT		orts	F.	ORFEITURE/PENALTY	D + 3	UKDUDTON	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY □ 310 Airplane □ 315 Airplane Product Liability □ 320 Assault, Libel &	PERSONAL INJURY 365 Personal Injury - Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERI 370 Other Fraud 371 Truth in Lending New York 1880 Other Personal Property Damage 385 Property Damage Product Liability	Y 🗖 62	5 Drug Related Seizure of Property 21 USC 881 0 Other	☐ 422 Appe ☐ 423 With 28 U	BANKRUPTCY OTHER STATUTES 422 Appeal 28 USC 158 □ 375 False Claims Act 423 Withdrawal □ 400 State Reapportionme 28 USC 157 □ 410 Antitrust □ 430 Banks and Banking □ 450 Commerce 820 Copyrights □ 460 Deportation		
☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)				LABOR	☐ 830 Pater ☐ 840 Trad	nt emark SECURITY	□ 4400 Berbiation □ 470 Racketeer Influenced and Corrupt Organizations □ 480 Consumer Credit □ 490 Cable/Sat TV □ 850 Securities/Commodities/ Exchange □ 890 Other Statutory Actions □ 891 Agricultural Acts □ 893 Environmental Matters □ 895 Freedom of Information Act □ 896 Arbitration	
 ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise 			□ 72 □ 74 □ 75	O Fair Labor Standards Act U Labor/Management Relations O Railway Labor Act Family and Medical Leave Act O Other Labor Litigation		k Lung (923) C/DIWW (405(g)) O Title XVI		
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITION		1 Employee Retirement	FEDER.	AL TAX SUITS	☐ 899 Administrative Procedure	
 □ 210 Land Condemnation □ 220 Foreclosure □ 230 Rent Lease & Ejectment □ 240 Torts to Land □ 245 Tort Product Liability □ 290 All Other Real Property 	☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/ Accommodations ☐ 445 Amer. w/Disabilities -	Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty		Income Security Act IMMIGRATION	or D 871 IRS- 26 U	s (U.S. Plaintiff refendant) —Third Party JSC 7609	Act/Review or Appeal of Agency Decision 1 950 Constitutionality of State Statutes	
	Employment 446 Amer. w/Disabilities - Other 448 Education	Other: 540 Mandamus & Oth 550 Civil Rights 555 Prison Condition Conditions of Confinement		2 Naturalization Applicati 5 Other Immigration Actions	on			
		Remanded from Appellate Court	□ 4 Rein Reop		her District	☐ 6 Multidistr. Litigation	ict	
VI. CAUSE OF ACTIO		nuse:	re filing (I	Oo not cite jurisdictional s	tatutes unless di	versity):		
VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.			N D	EMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND:				
VIII. RELATED CASI IF ANY	E(S) (See instructions):	JUDGE			DOCKE	ET NUMBER		
DATE	SIGNATURE OF ATTORNEY OF RECORD							
KZ0'F KXKLKQP CN'CUUN PO GP'	V'*EkskriN0F05/4+							
(Place an "X" in One Box Only)	() SAN FRANCISCO/OA	KLAND	() SAN JOSE ()	EUREKA			

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- **I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included nere. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.)**

- **III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- **IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin. Place an "X" in one of the six boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.